



**Tennessee Department of Environment and Conservation
Division of Water Pollution Control
Mining Section
2700 Middlebrook Pike, Suite 220
Knoxville, Tennessee 37921-5602
Phone (865) 594-6035 Fax (865) 594-6105**

Notice of Public Hearing

Public Hearing Notice PH M2005-06

December 6, 2005

Public Hearing Notice Expiration Date: January 12, 2006

Last Day to Submit Written Comments: January 31, 2006

NOTICE IS HEREBY GIVEN, that in response to public comments, the Division of Water Pollution Control, Mining Section, will hold a public hearing on these draft permits. This hearing concerns the proposals to issue National Pollutant Discharge Elimination System (NPDES) permits. The public will have an opportunity to comment on each of these proposed permit actions.

This hearing will be held pursuant to Chapter 1200-4-5-.06 of the *Rules of the Tennessee Department of Environment and Conservation*. The date, time and place of the hearing follow:

**January 17, 2006
7:00 P. M. EST
Main Court Room
Second Floor
415 North Kingston Street
Wartburg, Tennessee**

Company Information

Dewayne Rowe Logging and Coal Hauling, LLC
552 Kensee Hollow Road
Williamsburg, Kentucky 40769

Dewayne Rowe Logging and Coal Hauling, LLC
552 Kensee Hollow Road
Williamsburg, Kentucky 40769

Hood Coal Corporation
P. O. Box 97
Jamestown, Tennessee 38556

Site Information

Area 1
NPDES Permit TN0079138 (Modification)
Wooldridge Community
Wooldridge, Tennessee 37762
Wet weather conveyances to Crooked Creek

Area 3
NPDES Permit TN0079553 (Draft)
Wooldridge Community
Wooldridge, Tennessee 37762
Unnamed tributaries to Crooked Creek

Hoodtown Mine
NPDES Permit TN0079545 (Draft)
Hoodtown Road
Jamestown, Tennessee 38556
Wet weather conveyances to Lints Cove

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Hearing Procedure:

The hearing officer may limit oral comments to five minutes and require that all testimony be relevant to water quality-related issues for these facilities. Undue repetition should be avoided so that all interested parties will have an opportunity to present their concerns relative to water quality issues. Written testimony will be accepted at the hearing and until the close of the normal business day on **January 31, 2006**.

In making our permit decisions, we can consider only comments and questions concerning those areas over which we have authority under the federal NPDES program and the *Tennessee Water Quality Control Act*. Issues not related to water quality or to the conditions and requirements of the draft permits will not be considered in making our decisions for these permits.

How to Comment:

The Division of Water Pollution Control, Mining Section, is requesting public comment on these permit actions. Obtaining a broad range of facts and opinions on Agency actions is one of the best ways to ensure quality decisions. Persons wishing to comment on the proposed actions are invited to submit comments in writing to the Mining Section at the above letterhead address, Attn: Public Notice Coordinator, by fax (865) 594-6105, or by E-mail to Gary.Mullins@state.tn.us. Comments must be received by the end of the comment period, **January 31, 2006**.

How the Department Will Proceed:

After consideration of all comments submitted during the public comment period, review of the hearing records, and the requirements of federal and state laws, the Director of the Division will make determinations regarding final permit actions.

To Obtain Permit Details:

NPDES draft permits contain anti-degradation determinations and rationales that address information concerning the foundation for the Division's determinations. Copies of the applications, draft permits, and supporting documentation are in the permit files maintained at the Mining Section's office at the letterhead address. These files are available for public inspection during normal office hours. Please call (865) 594-6035 to schedule an appointment for the review(s).

A copy of the permit applications and draft permits will be available for review at the hearing.

State of Tennessee Antidegradation Policy

Tennessee's Antidegradation Statement is in Chapter 1200-4-3-.06 of the *Rules of the Tennessee Department of Environment and Conservation*. The primary purpose of the antidegradation policy is to establish a greater level of protection for high quality waters. Some high quality waters are in near-pristine condition. Others are determined to be high quality due to specialized uses and/or unique features.

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Generally, there are two types of high quality waters. Outstanding National Resource Waters (ONRWs) or Tier 3 waters receive the greatest level of protection. The Water Quality Control Board designates these waters. New discharges or expansion of existing discharges cannot degrade existing water quality.

The Department identifies other high quality waters known as Tier 2 waters and protects against their degradation. The Water Quality Control Board may allow some degradation if the Board deems it economically and socially necessary. Tier 1 waters refer to other surface waters that do not have the identification and/or designation as high quality. These waters must achieve and maintain Tennessee's Water Quality Standards.

State of Tennessee Policy of Non-Discrimination

Pursuant to the State of Tennessee's policy of non-discrimination, the Tennessee Department of Environment and Conservation does not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, or military service in its policies, or in the admission or access to, or treatment or employment in its programs, services or activities. Equal Employment Opportunity/Affirmative Action inquiries or complaints should be directed to the EEO/AA Coordinator, Office of General Counsel, 401 Church Street, 20th Floor L & C Tower, Nashville, TN 37243, 1-888-867-7455.

ADA inquiries or complaints should be directed to the ADA Coordinator, Human Resources Division, 401 Church Street, 12th Floor L & C Tower, Nashville, TN 37243, 1-866-253-5827. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298). Such contact may be in person, by writing, telephone, or other means and should be made prior to **January 2, 2006**, to allow time to provide such aid or services.

Please bring this notice to the attention of persons who you know will be interested.